

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

Case No. 15-20652
Hon. George Caram Steeh

(D-13) ARLANDIS SHY, II,
Defendant.

MOTION TO DISMISS BASED UPON VIOLATION OF
SPEEDY TRIAL ACT

Now comes Defendant, Arlandis Shy, II, and in support of his Motion to Dismiss due to the violation of the Speedy Trial Act, states unto this Honorable Court as follows:

1. Defendant, (D-13) ARLANDIS SHY, II, is charged in an Indictment for being in violation of Count One, RICO Conspiracy, contrary to 18 U.S.C. §1962(d) and, Count Twenty-five, possession of a Firearm in Furtherance of a crime of Violence, contrary to 18 U.S.C. §§924(c);2.
2. The Indictment naming Mr. Shy is dated February 17, 2016.
3. Mr. Shy was arrested in early March 2016 and on March 7, 2016, Magistrate Judge Elizabeth Stafford entered an order of Detention.
4. Mr. Shy has been detained ever since.
5. When he heard that a warrant had been issued for his arrest, he immediately self-surrendered for the reason he had nothing to hide or fear since he was not guilty of the charged offenses.

6. At that time, as well as throughout these proceedings, he was (and is) seeking an immediate and speedy trial because he did not believe that the Government could prevail in this matter as it related to him.
7. He believed that the Government could only prove “guilt by association” because he occasionally associated with persons in his neighborhood who he had known since grade school; the Government could not prove him guilty beyond a reasonable doubt of any criminal deeds and in fact there was no evidence that he directly did any of the acts alleged in the Indictment nor did he aid and abet anyone one to do those acts nor did he conspire with anyone to engage in any illegal conduct.
8. The fact that he was detained following his arraignment made it all the more urgent in his mind that he promptly receive a trial in this matter.
9. Unbeknownst to him, on May 12, 2016, the Government filed a motion to designate this case as a complex case and for excludable delay.
10. Several days earlier, his mother had retained Carl Jordan to represent him in this matter; he had never spoken personally with Carl Jordan.
11. Unbeknownst to him, Carl Jordan consented to a continuance in this matter on or before May 12, 2016.
12. Mr. Jordan had never consulted him (Shy) regarding the Government’s request to seek to delay these proceedings and waive his rights under the speedy trial act.
13. Mr. Jordan never consulted with him as to whether he (Shy) would consent to such a designation.

14. If in fact Mr. Jordan had consulted with him before consenting to the continuance, he would have advised Mr. Jordan “never” since his primary concern was to be promptly tried within the mandates of the speedy trial act, a fact that Mr. Jordan should have known.
15. Mr. Shy did not authorize his counsel to waive his speedy trial rights and consequently Shy should not be bound by this counsel’s unilateral and unsanctioned conduct.
16. From the time of his arraignment to the time of the consent for excludable delay, no motions by Mr. Shy had been filed that would have delayed the proceedings, there were no plea negotiations, there had been no referrals for mental competency or any other proceeding taken under advisement by the court.
17. More than 70 days had passed and as a result Mr. Shy’ rights under the Speedy Trial Act (STA), 18 U.S.C. §3161(h) were violated.
18. Attached is the Affidavit of Arlandis Shy, Exhibit A.
19. As a result of this breach of his rights under the STA, he is entitled to dismissal of this action, with prejudice.

WHEREFORE, for the foregoing reasons, Arlandis Shy respectfully requests that the Indictment be dismissed, with prejudice, and that he be discharged from custody.

Respectfully submitted,

By: /S/ Mark H. Magidson
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